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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/693,184

10/24/2003

Craig A. Friske

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2605

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04/21/2006

SAWYER LAW GROUP LLP

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EXAMINER

SETLAK, ANDREW T

ART UNIT

PAPER NUMBER

2166

DATE MAILED: 04/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/693,184	Applicant(s) FRISKE ET AL.	
	Examiner Andrew Setlak	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/24/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-7 recite the limitation a "computer readable medium," yet this term does not have any basis in the specification.

Claim 3 is further rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: line (b) of claim 3 appears to be merely storing the instruction of claim 1 (a) instead of executing the storing instruction of claim 1 (a), which is what the examiner assumes was the applicant's intention. As such for the art rejections of the instant application the examiner will interpret claim 3's limitation (b) as though it read "initiating a first schema change to the table before <executing the> storing instruction (a)". Appropriate correction is required.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

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Claims 1-7 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Lacking any specification in the disclosure the term "computer readable medium" is sufficiently broad as to include the non-statutory subject area of signals embodied in a transmission medium.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention Oracle 8i. Oracle 8i was released by Oracle on March 1, 1999 (*Oracle ships 8i database* by Wylie Wong).

Claim 1 is anticipated by Oracle 8i as follows: **A computer readable medium containing program instructions for preserving an original table schema for a table in a database system that supports dynamic table schema changes, the program instructions for: a) storing the original table schema for the table in a designated table prior to performing a schema change on the table** ([Oracle 8i Backup and Recovery Guide, chapter 3, page 15, § Perform Backups When You Make Structural Changes] When operating in the ARCHIVELOG mode a control file, which contains the information needed to generate the recovery catalog [Oracle 8i Concepts, chapter 32, page 14, ¶ 1], backup should be made both before and after the alteration).

Claim 2 is anticipated by Oracle 8i as in claim 1, **wherein the designated table is a catalog table** ([Oracle 8i Concepts, chapter 32, page 13, § Recovery Catalog, ¶ 3] the propagation of control file backup information for long term retention in the recovery catalog [Oracle 8i Backup and Recovery Guide, chapter 4, page 12, § Storage of Metadata exclusively in the control file, ¶ 1]).

Claim 3 is anticipated by Oracle 8i as in claim 1, **further including: b) initiating a first schema change to the table before storing instruction (a)** ([Oracle 8i Backup and Recovery Guide, chapter 3, page 15, § Perform Backups When You Make Structural Changes, ¶ 1] Immediately before completion implies that the alteration has been initiated but not yet completed); **and c) completing the first schema change to the table after the original table schema has been stored in the designated table** ([Oracle 8i Backup and Recovery Guide, chapter 3, page 15, § Perform Backups When You Make Structural Changes, ¶ 1]).

Claim 4 is anticipated by Oracle 8i as in claim 3, **further including: d) inserting a new self-describing row in the table, wherein a table definition defined by a most recent schema change is stored in metadata associated with the new self-describing row in the table** ([Oracle 8i Backup and Recovery Guide, chapter 3, page 15, § Perform Backups Frequently and Regularly, ¶ 1, bullet 2]).

Claim 5 is anticipated by Oracle 8i as in claim 4, **further including: e) updating row in the table; and f) converting the updated row into a self-describing row, wherein the table definition defined by a most recent schema change is stored in metadata associated with the updated row in the table** (Oracle 8i Backup and

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Recovery Guide, chapter 3, page 15, § Perform Backups Frequently and Regularly, ¶ 1, bullet 3)).

Claim 6 is anticipated by Oracle 8i as in claim 5, **further including: g)** **rebuilding the table during a data recovery process by: g1) utilizing a valid backup copy of the table** ([Oracle 8i Concepts, chapter 32, pages 5-6, § Database Backups]); **g2) applying the original table schema stored in the designated table to a row in the valid backup copy of the table if the row is not a self-describing row** (Oracle 8i Concepts, chapter 32, page 7, § Control Files)); **and g3) applying the table definition stored in the metadata associated with the row if the row is a self-describing row** ([Oracle 8i Concepts, chapter 32, page 41, § Application of Incremental Backups and Redo Records, ¶ 1] if the incremental backup is found then all necessary metadata is present).

Claim 7 is anticipated by Oracle 8i as in claim 3, **further comprising: d)** **removing from the designated table the original table schema for the table if each row in the table is self-describing** ([Oracle 8i Backup and Recovery Guide, chapter 4, page 18, § Reports on Backups, Copies, and Database Schema, ¶ 3]).

Claims 8-14 are anticipated by Oracle 8i using the rationale applied to claims 1-7.

Claims 15, 16, 17, 18, 19 & 20 are anticipated by Oracle 8i using the rationale applied to claims 1, 2, 5, 4, 6 & 7 respectively.

Information Disclosure Statement

Applicants' Information Disclosure Statement, filed on 10/24/2003 has been received, entered into the record, and considered. See attached PTO-1449 forms.

Conclusion

The prior art made record of on form PTO-892 and not relied upon is considered pertinent to the applicants' disclosure.

Contact Information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andrew Setlak whose telephone number is (571) 272-4060. The examiner can normally be reached on M-F 10:00-6:00.

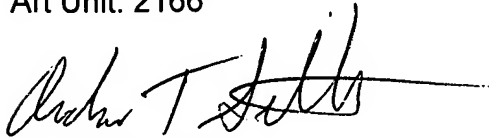
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain Alam can be reached on (571) 272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in black ink, appearing to read "Andrew T. Setlak", with a long horizontal stroke extending to the right.

Andrew Setlak
Patent Examiner
04/14/2006

A handwritten signature in black ink, appearing to read "Leslie Wong", with a long horizontal stroke extending to the right.

Leslie Wong
Primary Patent Examiner